

# TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



**Project Name:** FOREST EDGE SUBDIVISION

**Case Number:** PLD2006-00025, SEP2006-00055, BLA2006-00024

**Location:** 16102 NE 78<sup>th</sup> Street

**Request:** The applicant is requesting a preliminary plat approval of approximately 3.72 acres into 20 residential lots in the R1-6 zoning district.

**Applicant:** Standard Construction  
P. O. Box 68643  
Milwaukie, OR 97269  
(503) 786-8766

**Contact Person:** Bruce Goldson  
Compass Engineering  
6564 SE Lake Road  
Milwaukie, OR 97222  
(503) 653-9093

**Property Owner:** Jimmy & Glenda Thomson  
16102 NE 78<sup>th</sup> Street  
Vancouver, WA 98662

Mel & Shirley Colby  
15914 NE 78<sup>th</sup> Street  
Vancouver, WA 98662

Roland Okerlund  
7900 NE 162nd Avenue  
Vancouver, WA 98662

## **RECOMMENDATION** **Approve Subject to Conditions**

**Team Leader's Initials:**                      **Date Issued:** June 14, 2006

**Public Hearing Date:** June 29, 2006

## County Review Staff:

	<u>Name</u>	<u>Phone (360)</u> <u>397-2375, Ext</u>	<u>E-mail Address</u>
<b>Planner:</b>	Michael Uduk	4385	<a href="mailto:Michael.uduk@clark.wa.gov">Michael.uduk@clark.wa.gov</a>
<b>Engineer</b> (Trans. and Stormwater):	Douglas Boheman, P.E., P.L.S.	4102	<a href="mailto:Douglas.boheman@clark.wa.gov">Douglas.boheman@clark.wa.gov</a>
<b>Engineer</b> (Trans. Concurrency):	Richard Gamble, P. E.	4354	<a href="mailto:Richard.gamble@clark.wa.gov">Richard.gamble@clark.wa.gov</a>
<b>Team Leader:</b>	Krys Ochia	4834	<a href="mailto:Krys.ochia@clark.wa.gov">Krys.ochia@clark.wa.gov</a>
<b>Engineer Supervisor:</b> (Trans. & Stormwater):	Sue Stepan, P. E.	4064	<a href="mailto:Sue.stepan@clark.wa.gov">Sue.stepan@clark.wa.gov</a>
<b>Engineering Supervisor:</b> (Trans. Concurrency):	Steve Schulte, P. E.	4017	<a href="mailto:Steve.schulte@clark.wa.gov">Steve.schulte@clark.wa.gov</a>

**Comp Plan Designation:** Urban Low Density Residential (UL)

**Parcel Number(s):** 16102 NE 78<sup>th</sup> Street, Tax Lots 55/68 (153978), 74 (153997) and 75 (153998), located in a portion of the SW ¼ of Section 1, Township 2 North, Range 2 East, of the Willamette Meridian.

### Applicable Laws:

Clark County Code Chapter 40.350 (Transportation), 40.350.020 (Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.570.080 (SEPA), 40.570.080 (C) (3) (k) (Historic & Cultural Preservation), 40.540.040 (Land Division Ordinance), 40.220.010 (Residential Districts, R1-6), 40.610 (Impact Fees), 40.540.010 (Boundary Line Adjustment), 40.370.010 (D) (Sewer Connection), 40.370.020 (D) (Water Connection), 40.500 (Process), RCW 58.17 (State Land Division Laws)

### Neighborhood Association/Contact:

Heritage Neighborhood Association  
Kathy Murphy, President  
7517 NE 154th Avenue  
Vancouver, WA 98682

### Time Limits:

The application was determined to be fully complete on April 12, 2006 (see Exhibits No. 9). Therefore, the County Code requirement for issuing a decision within 92 days lapses on July 13, 2006. The State requirement for issuing a decision within 120 calendar days, lapses on August 10, 2006.

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on November 25, 2005. The pre-application was not determined to be contingently vested.

The application was submitted on February 24, 2006 and determined to be fully complete on April 12, 2006. The application was vested on April 6, 2006, the day the fully complete application was submitted. There are no disputes regarding vesting in this matter.

**Public Notice:**

Notice of application and public hearing was mailed to the applicant, property owners within 300 feet of the site and Heritage Neighborhood Association on April 24, 2006. One sign was posted on the subject property and two within the vicinity on June 14, 2006. Notice of the likely SEPA Determination and public hearing was published in "The Columbian" newspaper on April 24, 2006.

**Public Comments:**

The county received letters from the Southwest Clean Air Agency (Exhibit 13) and the State of Washington Department of Ecology (Exhibit 14).

These letters are advisory in nature. These letters indicate that the development site is not located near any known potentially contaminated site; but they also provide advice regarding appropriate procedures needed to contain potential contaminants, (e. g., asbestos) if discovered during site development.

**Project Overview**

The applicant is requesting a preliminary plat approval to subdivide 3 tax lots totaling approximately 3.72 acres into 20 single-family lots in the R1-6 zoning district. The applicant has boundary-line adjusted Tax Lot 55/68 (153978) and Tax Lot 75 (153998) with Tax Lot 74 (153997) to create the development site (see Exhibit 8 for details).

The R1-6 district permits a variety of uses outright, conditionally, and by review and approval. For residential development, the R1-6 district permits an average minimum lot size of 6,000 square feet and an average maximum average lot size of 8,500 square feet per single family dwelling.

The R1-6 district allows a minimum density of 5.1 dwelling units per acre and a maximum density of 7.30 dwelling units per acre. A single-family detached dwelling is permitted in the district per Table 40.220.010-1 (1) (a); but duplexes are permitted on

corner lots. Table 1 shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential (UL)	Single Family Residential (R1-6)	The site is relatively flat. It contains a single-family dwelling and 8 out buildings that will be removed during site construction.
North	UL	R1-6	Single-family housing development – Cascade Lane Subdivision (310-966).
East	UL	R1-6	NE 162 Avenue and single-family residential development.
South	UL	R1-6	NE 78 <sup>th</sup> Street and single-family housing development.
West	UL	R1-6	NE 159 <sup>th</sup> Street and Single-family housing development in Misty Dawn Estates (310-945).

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Lauren loam (LeB) on slopes ranging from zero to 8 percent. Maps from Clark County's GIS Mapping System do not indicate that the site contains wetlands.

The property is located within the City of Vancouver's urban growth area (UGA). It is situated in an area served by Fire Protection District 5, Evergreen School Districts, Evergreen Traffic Impact Fees District, and Parks Improvement District 5. The City of Vancouver provides potable water and sewer services in the area.

## Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

**Major Issues:**

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

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**LAND USE:**

Finding 1

The development site comprises three parent parcels, Tax Lot 55/68 (153978), Tax Lot 75 (153998) and Tax Lot 74 (153997), totaling approximately 4.42 acres. It is situated on the northwest corner of NE 162<sup>nd</sup> Avenue and NE 78<sup>th</sup> Street and east of NE 159<sup>th</sup> Avenue.

The applicant has boundary line adjusted portions of Tax Lot 55/68 (153978) and Tax Lot 75 (153998) to add to Tax Lot 74 (153997). The development site [i. e. the new boundary line adjusted Tax Lot 74 (153997)], is approximately 3.72 acres (see Exhibit 8 for details). If the development were to occur at the maximum density permitted by the R1-6 zoning district, then the gross acreage of 3.72 acres could be subdivided into 27 lots; but, if the development were to occur at the minimum density, then the gross acreage could be divided into 18 lots.

The applicant indicates that approximately 35,713 square feet (0.82 acres) will be dedicated to public street right-of-way and an additional 2,148 square feet (0.05 acres) will be used to develop the stormwater facility for this development. The remaining 2.85 acres are being subdivided into 20 lots. Table 2 summarizes the density calculation as follows:

Table 2: ROW & Density Calculation R1-6

Acres (gross)	ROW (acres)	Stormwater facility (acres)	Acres (net)	Density (net)	Density (proposed)
3.72	0.82	0.05	2.85	20 - 14	20

Based on this, the number of lots proposed for Forest Edge Subdivision complies with the applicable density requirement in the code. This finding does not require a condition of approval.

### Finding 2

Staff finds that Table 40.220.010-2 provides the following development standards in the R1-6 Zoning District:

Table 3: Table 40.220.010-2 (Lot Requirements)

Zoning District	Residential Density (d.u./acre)	Average Minimum Lot Area (sq. ft.)	Maximum Average Lot Area (sq. ft.)	Average Minimum Lot Width (feet)	Average Minimum Lot Depth (feet)
R1-6	7.3 – 5.1	6,000	8,500	50	90

In the R1-6 district, the code requires a minimum average lot area of 6,000 square feet and an average maximum lot area of 8,500 square feet for single family residential housing. The code also requires an average lot width of 50 feet and an average lot depth of 90 feet. For Forest Edge Subdivision, staff finds as follows:

1. The average lot area is approximately 6,212.6 square feet;
2. The smallest lot is Lot 13 with an area of approximately 5,048 square feet; and,
3. The largest lot is Lot 6 with an area of approximately 7,387 square feet (see Conditions A-1a and D-6a).

### Finding 3

According to the county surveyor's office, there is a potential encroachment along the northern property boundary that is not shown on the preliminary plat. The encroachment could be either a fence line or a building that is located on the property line; but any encroachment issue will need to be resolved prior to the final plat recording (see Condition A-1b).

Boundary Line Adjustment (BLA2006-00024)

### Finding 4

Prior to final plat recording, the applicant shall record BLA2006-00022 with the Clark County Auditor's office (see Exhibit 8 and Condition A-1c).

## **Signs**

### Finding 5

Any proposed sign or signs for this subdivision shall comply with the applicable sections of the sign ordinance, CCC 40.310 (see Condition E-1).

## **Conclusion (Land Use):**

Staff finds that the proposed preliminary plat can comply with the applicable sections of Clark County Code, subject to the conditions of approval identified in this report.

## **CRITICAL AREAS:**

There are no critical areas issues with this application.

## **TRANSPORTATION:**

(Reserved for Engineering Services Staff)

**TRANSPORTATION CONCURRENCY:**

Reserved for Transportation Concurrency Staff)

**STORMWATER:**

(Reserved for Engineering Services Staff)

**FIRE PROTECTION:**

Fire Marshal Review

Finding 1

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375, extension 4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building Construction

Finding 2

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Condition B-1a).

Fire Flow

Finding 3

Fire flow in the amount of 1,000 gallons per minute (gpm) supplied at 20 psi for 60 minutes duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Conditions A-8a and B-1b).

Fire Hydrants

Finding 4

Fire hydrants are required for this application. The indicated number and spacing of the fire hydrants is adequate.

Fire Hydrant

Finding 5

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local district fire chief approves the exact locations of fire hydrants (see Condition A-8b).

Fire Apparatus Access

Finding 6

The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see Condition A-8c).

## Fire Apparatus Turnarounds

### Finding 7

Approved fire apparatus turnarounds are required for this project and shall comply with the Clark County Road Standards (see condition A-8d).

### **Conclusion (Fire Protection):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

## **HEALTH DEPARTMENT REVIEW:**

### Finding 1

The City of Vancouver provides potable water and sewer services in the area. The utility review submitted by applicant indicates that adequate water and sewer services are available to serve this development (see Exhibit 6 and Condition E-3).

### Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition A-9)

## Other Health Concerns

### Finding 3

There is a single-family dwelling and accessory structures that will be removed during site construction. All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied (see Condition D-3a)

If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording (see Condition D-3b).

## **IMPACT FEES:**

### Finding 1

The site is located in Park District 5, Evergreen School Districts, and Evergreen Traffic District. There is a single family dwelling on the site that qualifies for impact fees credit;

therefore, park, school, and traffic impact fees shall be assessed on 19 of the proposed 20 lots.

*The following note shall be placed on the final plat stating that:*

"In accordance with CCC 40.610, except for Lot 1 that is exempt from impact fees exaction, the park, school, and traffic impact fees for each of the 19 out of the 20 single-family dwellings in this subdivision are:

1. \$1,799.00 PIF (made up of \$1,359.00 acquisition fee, and \$440.00 development fee) per new single-family attached dwelling in Park District 5;
2. \$3,540.00 SIF per new single-family attached dwelling in Evergreen School District; and,
3. \$1,618.77 TIF per new single-family-attached dwelling in Evergreen Traffic Impact fee district.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Condition D-4e and E-4)

## SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

### Determination:

**Determination of Non-Significance (DNS):** Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

**Date of Publication & Comment Period:**

The publication date of this (likely) DNS was April 24, 2006, and was issued under WAC 197-11-340. The lead agency did not act on this proposal until the close of the 14-day comment period, which ended on May 8, 2006, is now final.

**Public Comment Expired on:**

**May 8, 2006**

**SEPA Appeal Process:**

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

*Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.*

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

**Staff Contact Person:**

Michael Uduk, (360) 397-2375, ext. 4385  
Krys Ochia, (360) 397-2375, ext. 4834

**Responsible Official:**

Michael V. Butts

Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011  
Web Page at: <http://www.co.clark.wa.us>

## RECOMMENDATION

1. Based upon the proposed plan (identified as Exhibit 5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

## Conditions of Approval

<b>A</b>	<b>Final Construction/Site Plan Review</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

### A-1 Land Use

- a. Each single-family lot shall comply with the development standards in Table 40.220.010-2 and Table 40.220.010-3 regarding the average minimum lot area, the average minimum lot width, the average minimum lot depth, the minimum building set back and the maximum building height in the R1-6 zoning district (see Land Use Finding 2).
- b. The applicant shall resolve any potential encroachment issues on this site prior to final plat recording (see Land Use Finding 3).
- c. The applicant shall record a boundary line adjustment (per CCC 40.540.010) prior to final plat recording (see Land Use Finding 4).

### A-2 Final Transportation Plan/On-Site

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

(Reserved for Engineering Services Staff)

### A-3 Transportation

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to

perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval. (Standard Condition)

- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (Standard Condition)

**A-4 Final Transportation Plan/Off Site (Concurrency)**

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

(Reserved for Transportation Concurrency Staff)

**A-5 Final Stormwater Plan**

The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

(Reserved for Engineering Services Staff)

**A-6 Erosion Control Plan**

The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380 and the following conditions of approval:

**A-7 Final Landscape Plan**

The applicant shall submit and obtain county approval of final landscape plan designed in accordance with CCC 40.320, and the following conditions of approval:

**A-8 Fire Marshal Requirements**

- a. Fire flow in the amount of 1,000 gallons per minute (gpm) supplied at 20 psi for 60 minutes duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Fire Protection Finding 3).
- b. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. A 3-foot clear space shall be maintained around the circumference of all fire hydrants (see Fire Protection Finding 5).
- c. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather

driving surface and capable of supporting the imposed loads of fire apparatus (see Fire Protection Finding 6).

- d. Approved fire apparatus turnarounds are required for this project and shall comply with the Clark County Road Standards (see Fire Protection Finding 7).

#### **A-9 Health Department Review**

Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department (see Health Department Finding 2).

#### **A-10 Other Documents Required**

The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer's Covenant:

A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060. (Standard Condition)

#### **A-11 Excavation and Grading**

Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252. (Standard Condition)

<b>B</b>	<b>Prior to Construction of Development Review &amp; Approval Authority: Development Inspection</b>
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Prior to construction, the following conditions shall be met:

**B-1 Pre-Construction Conference**

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and,

- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).
- b. Prior to construction, fire flow in the amount of 1,000 gallons per minute (gpm) supplied at 20 pounds per square inch (psi) for 60 minutes duration is required. The required fire flow is available at the site (see Fire Protection Finding 3).

**B-2 Erosion Control**

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

**B-3 Erosion Control**

Erosion control facilities shall not be removed without County approval.

<b>C</b>	<b>Provisional Acceptance of Development Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

**C-1 Land Use**

(See Conditions A-1a and A-1b and D-6a)

**C-2 Transportation (Concurrency)**

None

**C-3 Stormwater**

(Reserved for Engineering Services Staff)

**C-4 Fire Marshal Requirements**

The applicant shall comply with all the applicable requirements of the Fire Marshal consistent with the International Building and Fire Codes

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

**D-1 Land Use**

(See Conditions A-1a and A-1b and D-6a)

**D-2 Fire Marshal Requirements**

(See Conditions A-8a and A-8b)

**D-3 Health Department Signature Requirement**

- a. All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied.
- b. The location of underground storage tanks must be identified on the final plat and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording.

**D-4 Developer Covenant**

A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

a. Critical Aquifer Recharge Areas

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater/drinking supply protection."

b. Erosion Control

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

c. Responsibility for Stormwater Facility Maintenance

"For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such

arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060."

**d. Archaeological**

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

**e. Impact Fees**

"In accordance with CCC 40.610, except for Lot 1 that is waived, the School, Park and Traffic Impact Fees for each of the proposed 19 of the 20 lots in this subdivision are:

1. \$1,799.00 PIF (made up of \$1,359.00 acquisition fee, and \$440.00 development fee) per new single-family attached dwelling in Park District 5;
2. \$3,540.00 SIF per new single-family attached dwelling in Evergreen School District; and,
3. \$1,618.77 TIF per new single-family-attached dwelling in Evergreen Traffic Impact fee district.

The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

**D-5 Addressing**

At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

**D-6 Plat Notes**

The following notes shall be placed on the final plat:

- a. Each single-family lot shall comply with the development standards in Table 40.220.010-2 and Table 40.220.010-3 regarding the average minimum lot area, the average minimum lot width, the average minimum lot depth, the minimum building set back and the maximum building height (see Land Use Finding 2).

- b. **Mobile Homes:**  
"Mobile homes are not permitted on any lot in this subdivision."
- c. **Sidewalks:**  
"Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- d. **Utilities:**  
"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- e. "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- f. **Driveways:**  
"No direct access is allowed onto the following streets: NE 162<sup>nd</sup> Avenue and NE 78<sup>th</sup> Street."

<b>E</b>	<b>Building Permits</b>
	<b>Review &amp; Approval Authority: Customer Service</b>

Prior to issuance of a building permit, the following conditions shall be met:

**E-1 Land Use**

(See Conditions A-1a and A-1b)

**E-2 Fire Marshal Requirements**

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).

**E-3 Health Department Review**

The applicant shall provide all the improvement necessary to connect each lot to public water and sewer services provided by the City of Vancouver.

**E-4 Impact Fees**

"In accordance with CCC 40.610, the School, Park and Traffic Impact Fees for each of the proposed 19 out of the 20 lots in this subdivision are:

1. \$1,799.00 PIF (made up of \$1,359.00 acquisition fee, and \$440.00 development fee) per new single-family attached dwelling in Park District 5;
2. \$3,540.00 SIF per new single-family attached dwelling in Evergreen School District; and,
3. \$1,618.77 TIF per new single-family-attached dwelling in Evergreen Traffic Impact fee district.

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate (see Impact Fees Finding 1).

<b>F</b>	<b>Occupancy Permits</b> <b>Review &amp; Approval Authority: Building</b>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

**F-1 Land Use - Signs**

Any proposed sign or signs for this subdivision shall comply with the applicable sections of the sign ordinance, CCC 40.310 (see Land Use Finding 4).

**F-2 Landscaping**

Prior to the issuance of an approval of occupancy for a site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

**F-3 Stormwater**

(Reserved for Engineering Services Staff)

<b>G</b>	<b>Development Review Timelines</b> <b>Review &amp; Approval Authority: None - Advisory to Applicant</b>
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**G-1 Land Division**

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

<p><b><u>Note:</u> Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.</b></p>
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<p><b>HEARING EXAMINER DECISION AND APPEAL PROCESS</b></p>
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This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days

of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

### **Appeal Filing Deadline:**

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee of **\$266**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the

month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

**Attachments:**

- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>

**For Staff Only:**

<b>Final Plans Required with Construction Plans</b>	<b>YES</b>	<b>NO</b>
Final Site Plan	✓	
Final Landscape Plan:		
-On-site landscape plan		
-Right-of-way landscape plan*	✓	
Final Wetland Plan		
Final Habitat Plan		

\*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

**Note:** If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.